



## THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

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6201 College Boulevard • Overland Park, Kansas 66211-2422 • Telephone 913/339-1906

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CONTACT:  
David Swank, chair  
NCAA Committee on Infractions  
University of Oklahoma

### MONTANA STATE UNIVERSITY-BOZEMAN PUBLIC INFRACTIONS REPORT

OVERLAND PARK, KANSAS---This report is organized as follows:

- I. Introduction.
- II. Findings of violations of NCAA legislation.
- III. Committee on Infractions Penalties.

#### **I. INTRODUCTION.**

This case involved the men's basketball program at Montana State University and primarily concerned violations of NCAA bylaws governing academic fraud, recruiting, ethical conduct and lack of institutional control.

Montana State University is a Division I-AA institution and a member of the Big Sky Conference. The university has an enrollment of approximately 11,300 students and sponsors six men's and eight women's intercollegiate sports.

The committee commends the university for discovering and self-reporting the violations contained in this report. As described in several previous infractions reports, the NCAA enforcement staff has been conducting an inquiry into the correspondence courses offered by Southeastern College of the Assemblies of God and has contacted more than 45 NCAA institutions regarding junior college transfer student-athletes who may have taken such classes. The enforcement staff did not have such information regarding any student-athletes associated with Montana State University. However, when the university's faculty athletics representative received information that a men's basketball student-athlete may have taken courses at Southeastern College, he checked with the registrar and advised the director of athletics, who then reported the information to the NCAA enforcement staff. The subsequent investigation revealed that the student-athlete, with the knowledge of an assistant men's basketball coach, had received fraudulent academic credit in the classes he took from Southeastern College. The investigation also revealed that a lack of institutional control had existed during the time period of the violations. Although any academic fraud is a very serious matter warranting significant

penalties, the NCAA Committee on Infractions did not impose the full set of presumptive penalties in this case because of the limited scope of the violations.

**A. CASE CHRONOLOGY.**

During the summer of 1995, a reporter from a sports magazine advised the faculty athletics representative that he was writing a story about correspondence courses from Southeastern College of the Assemblies of God (Southeastern) taken by student-athletes and that a men's basketball student-athlete at the university had taken course work at Southeastern. The faculty athletics representative checked with the registrar and discovered that Southeastern was an accredited institution and the transcript on file was an official transcript before advising the newly appointed director of athletics of the situation.

In September 1995, the director of athletics informed an NCAA director of enforcement that a university student-athlete had taken correspondence courses from Southeastern. The director of athletics was advised that the NCAA was unaware of this, although the NCAA was pursuing other investigations concerning Southeastern correspondence courses.

After the director of athletics conducted initial inquiries, the enforcement staff sought to interview the student-athlete and requested that he sign a release for his academic records. The student-athlete initially refused to cooperate and was declared ineligible on November 3, 1995, for his failure to cooperate. In December 1995, the student-athlete agreed to an interview with the NCAA enforcement staff. After the interview, the enforcement staff notified the institution that further investigation was necessary.

On December 22, 1995, the university's president appointed the vice-provost for student affairs and the university's legal counsel to conduct an investigation concerning the allegations of NCAA violations in the recruitment and academic eligibility of the student-athlete. In February 1996, the institution participated in the on-campus interviews the enforcement staff conducted and reviewed documents the NCAA obtained from Southeastern. On February 28, 1996, the enforcement staff interviewed a former assistant men's basketball coach but after that date he declined further interviews.

On March 12, 1996, the enforcement staff sent a letter of preliminary inquiry to the university's president. Thereafter, the vice-provost directed an internal review of compliance procedures and the recruitment and academic records of the student-athlete and every other junior college transfer student-athlete recruited during the tenure of the head men's basketball coach. On June 19, the enforcement staff sent a letter of official inquiry to the university and the former assistant men's basketball coach.

Following completion of the NCAA investigation in July 1996, the university interviewed current and former university employees and re-interviewed the head coach. The involved student-athlete failed to respond to the university's requests for interviews and the assistant coach chose not to participate further in the processing of the case.

The university and enforcement staff agreed to use the summary-disposition process under NCAA Bylaw 32.6 and submitted a summary-disposition report to the NCAA Committee on Infractions on September 12, 1996. The report contained a description of the violations that the enforcement staff and university agreed had occurred, the corrective actions taken by the institution, and the penalties self-imposed and proposed by the institution. In the summary-disposition report, the enforcement staff stated that the institution's and the enforcement staff's investigations were complete and thorough and that the institution had cooperated with the NCAA.

The Committee on Infractions considered the summary-disposition report at its meeting on September 22, 1996. At the time the committee reviewed this case there were no remaining eligibility issues. The committee accepted the findings and penalties in the report, and also proposed additional penalties. On October 17, the committee notified the university of the proposed penalties and of the right to a hearing before the committee. On October 31, the university agreed to the penalties contained in this report.

During its drafting of this infractions report, the Committee on Infractions also made editorial, nonsubstantive changes to the findings of violations. After reviewing a draft of these amended findings, the institution and the NCAA enforcement staff accepted the findings contained in this report.

**B. SUMMARY OF THE FINDINGS OF VIOLATIONS.**

The violations found by the committee may be summarized as follows:

- ☐ During the summer of 1993, an assistant men's basketball coach improperly assisted a prospective student-athlete with his enrollment in three correspondence courses from Southeastern College of the Assemblies of God (Southeastern) by arranging payment for the classes and sending various forms to Southeastern. The committee concluded that the assistant coach violated the NCAA principles of ethical conduct because he was involved in arranging fraudulent academic credit or because he was aware that the prospective student-athlete did not complete the course work and had fraudulently received academic credit.

Without the fraudulent academic credit, the prospective student-athlete would not have graduated from junior college and would not have been certified for participation in intercollegiate athletics. During the 1993-94 academic year, the institution awarded him athletically related aid and allowed him to practice and compete.

- ☐ There was a lack of institutional control.
- ☐ The assistant men's basketball coach involved in this case also violated the NCAA standards of ethical conduct by not cooperating with the investigation.

**C. SUMMARY OF THE PENALTIES.**

In imposing the following penalties, the Committee on Infractions considered the corrective actions taken by the university, as detailed in Part III-A of this report, and the self-imposed penalty.

1. The committee adopted as its own the following penalty self-imposed by the institution:

- ☐ Reduction by one in the number of permissible financial aid awards in men's basketball during the 1996-97 academic year.

2. The committee imposed the following additional penalties:

- ☐ Two years of probation, from September 22, 1996.
- ☐ Maximum of two initial athletically related financial aid awards in men's basketball during the 1997-98 academic year.
- ☐ Reduction by one in the number of permissible financial aid awards in men's basketball during the 1997-98 academic year.
- ☐ Requirement that the institution develop a comprehensive athletics compliance education program, with annual reports to the committee during the period of probation.
- ☐ Forfeiture of all contests in which the ineligible men's basketball student-athlete participated during the 1993-94 academic year.
- ☐ Requirement that the institution send the head men's basketball coach to an NCAA compliance seminar.
- ☐ Recertification of current athletics policies and practices.
- ☐ Show-cause requirement regarding the former assistant men's basketball coach for five years.

## II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

### A. IMPROPER ASSISTANCE WITH AND ACADEMIC FRAUD IN CORRESPONDENCE COURSES, AND PRACTICE AND COMPETITION BY AND AWARDING OF ATHLETICALLY RELATED FINANCIAL AID TO AN INELIGIBLE STUDENT-ATHLETE. [NCAA BYLAWS 10.1-(b), 13.2.1 AND 14.5.4.1.3]

In August 1993, while recruiting a men's basketball prospective student-athlete, an assistant men's basketball coach provided him improper assistance with enrollment in three correspondence courses from Southeastern College of the Assemblies of God (Southeastern). The assistant coach arranged payment for the courses and sent various course forms via facsimile to Southeastern on behalf of the prospective student-athlete. The

assistant coach also completed and submitted the prospective student-athlete's application to the university.

The grades awarded to the prospective student-athlete in the correspondence courses were fraudulent because they were not the result of his own work. Based on the evidence presented in the summary-disposition report, the committee concluded that the assistant coach violated the principles of NCAA ethical-conduct legislation because of his involvement in arranging the fraudulent credit. Without the credit received in these courses, the prospective student-athlete would not have graduated from his junior college. Based on the transcript from the junior college, which included the fraudulent academic credit, the institution certified him as eligible and allowed him to practice, compete and receive athletically related financial aid during his initial year of enrollment when he was ineligible. Specifically:

1. During the spring of 1993, an assistant men's basketball coach completed and submitted an admission application to the university for the prospective student-athlete.
2. In the summer of 1993, the prospective student-athlete needed 27.5 quarter hours to receive an associate's degree. He enrolled in 17 quarter hours at a community college and six semester hours, which was equivalent to nine quarter hours, at Southeastern.

The assistant coach arranged for his girlfriend to pay \$458.90 for the cost of the tuition and textbooks for two of the prospective student-athlete's Southeastern courses. The assistant coach also made arrangements for another friend to pay \$93.95 for the cost of the prospective student-athlete's third Southeastern course and textbook. After the prospective student-athlete arrived in Montana, the assistant coach sent via facsimile to Southeastern a final examination request and proctor agreement form for one of the prospective student-athlete's Southeastern courses. On September 7, the assistant coach completed the validating certificate for the course and sent it with the prospective student-athlete's final examination answer sheet via facsimile to Southeastern.

3. It is reasonable to conclude that the prospective student-athlete did not complete the courses from Southeastern and that the assistant men's basketball coach was knowledgeable of the fraud because:
  - a. The prospective student-athlete denied taking the courses and was unable to provide information about enrolling in or paying for the courses, or completing the course assignments.
  - b. None of the course materials were sent to the prospective student-athlete, who was living in another state, but were mailed either to the assistant coach's apartment in Montana or to a friend of the assistant coach.
  - c. The assistant coach wrote the prospective student-athlete's name, student identification number, address and other personal information on the top portion of two of his final examination answer sheets. The prospective student-athlete's

handwriting does not appear on any portion of the examination answer sheets provided by Southeastern.

- d. The assistant coach completed forms for one of the prospective student-athlete's Southeastern courses and signed the names of the prospective student-athlete and the assistant coach's friend, indicating that the prospective student-athlete had completed the examination and that the friend had served as proctor.
  - e. The assistant coach sent the documents via facsimile to Southeastern and the prospective student-athlete's final transcript was mailed from Southeastern to the assistant coach's apartment and paid for by his friend.
4. During the 1993-94 academic year, the institution awarded the prospective student-athlete athletically related financial aid and allowed him to practice and compete while he was ineligible. He had not received his associate of arts degree from his junior college before enrolling and attending classes at the university as a full-time student. He was also ineligible to participate in intercollegiate athletics as a result of the fraudulent academic credited detailed in this finding.

**B. LACK OF INSTITUTIONAL CONTROL. [NCAA CONSTITUTION 2.1.1 AND 6.01.1]**

The violations detailed in Finding II-A demonstrate a lack of adequate institutional control in the conduct of the intercollegiate men's basketball program during the summer and fall of 1993. The institution failed to monitor closely the recruitment, academic progress and enrollment of a men's basketball prospective student-athlete. The institution's existing compliance procedures proved inadequate during a period of personnel transition. The head men's basketball coach misinterpreted the NCAA rules governing eligibility and failed to assure that the assistant men's basketball coach adhered to existing compliance procedures.

**C. UNETHICAL CONDUCT. [NCAA BYLAWS 10.01.1 AND 10.1-(a)]**

In May 1996, an assistant men's basketball coach did not on all occasions deport himself in accordance with the generally recognized high standards of honesty normally associated with the conduct and administration of intercollegiate athletics. He violated the principles of ethical conduct by refusing to furnish information to the NCAA enforcement staff.

On May 15, 1996, the assistant coach appeared for a scheduled interview with an NCAA enforcement representative but reported that he would not provide any information, given the fact he was no longer employed at an NCAA institution. On May 30, the enforcement staff sent a letter to the assistant coach and his legal counsel requesting an interview and apprising the assistant coach of the provisions of NCAA ethical-conduct legislation. On June 11, the assistant coach's attorney responded in writing and reaffirmed that the assistant coach did not wish to participate

further in this matter and that he understood that his actions could be subject to an ethical-conduct violation.

### **III. COMMITTEE ON INFRACTIONS PENALTIES.**

As set forth in Parts I and II of this report, the Committee on Infractions found that this case involved several major violations of NCAA legislation.

#### **A. CORRECTIVE ACTIONS TAKEN BY THE UNIVERSITY.**

In determining appropriate penalties, the committee considered the institution's self-imposed corrective actions. Specifically, the university:

1. Hired an associate director of athletics in charge of compliance.
2. Developed a compliance manual detailing department compliance policies, procedures, and an appendix with compliance forms.
3. Established procedures for distributing compliance information to new coaches, including a formal meeting with the compliance coordinator.
4. Distributed to appropriate coaches written memoranda regarding NCAA rules and interpretations.
5. Developed a form that must be signed by the faculty athletics representative and an admissions official and that must accompany the tender of aid before the compliance coordinator will sign a new scholarship.
6. Stressed NCAA rules and commitment to ethics in the hiring of assistant basketball coaches.
7. Agreed to provide the Committee on Infractions a complete report on the actions taken on the "Strategies for Improvement" as part of the review prior to restoration of full rights and privileges of membership in the NCAA.
8. Implemented a mandatory educational program for the basketball staff, including requiring:
  - ☐ The head men's basketball coach to receive 12 hours of additional education on NCAA rules and the institution's compliance and monitoring procedures.
  - ☐ The head coach and the compliance officer to prepare a written education plan for this educational training.
  - ☐ The head coach to offer at least six hours of additional rules education to the assistant men's basketball coaches.
9. Revised its procedures for the review and approval of junior college transfer recruits, including approval by the faculty athletics representative and the admissions office

prior to the official visit and extension of an offer of financial aid, and again following the spring term.

10. Issued a letter of concern to the head men's basketball coach regarding his failure to exercise an appropriate level of supervision during the recruitment of the involved prospective student-athlete.



**B. PENALTY SELF-IMPOSED BY THE UNIVERSITY.**

The Committee on Infractions adopted as its own the following penalty self-imposed by the institution:

- ☐ The number of athletically related financial aid awards in men's basketball shall be reduced by one during the 1996-97 academic year, which limits the institution to 12 scholarships under current rules.

**C. ADDITIONAL PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.**

Although the Committee on Infractions agreed with and approved of the actions taken by the institution, the committee decided to impose additional penalties. The institution accepted the following institutional penalties:

1. Two years of probation from September 22, 1996, the date the committee considered the summary-disposition report.
2. The number of initial athletically related financial aid awards in men's basketball that are countable under Bylaw 15.02.3 shall be limited to two during the 1997-98 academic year.
3. The number of total athletically related financial aid awards in men's basketball shall be reduced by one during the 1997-98 academic year, which limits the institution to 12 scholarships under current rules.
4. During this period of probation, the institution shall:
  - a. Develop and implement a comprehensive education program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all university staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
  - b. Submit a preliminary report to the administrator for the Committee on Infractions by February 1, 1997, setting forth a schedule for establishing this compliance and educational program; and
  - c. File with the committee's administrator annual compliance reports indicating the progress made with this program by September 1 of each year during the probationary period. Particular emphasis should be placed on the educational programs in place for all coaches in all sports. The reports must also include documentation of the university's compliance with the penalties adopted and imposed by the committee.
5. The institution shall forfeit all contests in men's basketball in which the ineligible men's basketball student-athlete involved in this case participated during the 1993-94 academic year.

6. The institution shall send the head men's basketball coach to an NCAA regional compliance seminar during the probationary period.
7. The institution's president shall recertify that all of the university's current athletics policies and practices conform to all requirements of NCAA regulations.
8. If the assistant men's basketball coach involved in this case had still been employed in athletics at the institution, the university would have been required to show cause in accordance with Bylaw 19.6.2.2-(1) why it should not be subject to additional penalties if it had failed to take appropriate disciplinary action against him.
9. The assistant men's basketball coach involved in this case will be informed in writing by the Committee on Infractions that, due to his involvement in the violations of NCAA legislation found in this case, if he seeks employment or affiliation in an athletically related position at an NCAA member institution during a five-year period (April 30, 1994, to April 30, 1999), he and the involved institution shall be requested to appear before the Committee on Infractions to consider whether the member institution should be subject to the show-cause procedures of Bylaw 19.6.2.2-(1), which could limit his athletically related duties at the new institution for a designated period.

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As required by NCAA legislation for any institution involved in a major infractions case, Montana State University shall be subject to the provisions of NCAA Bylaw 19.6.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, September 22, 1996.

Because Montana State University agreed to participate in the summary-disposition process, admitted the violations of NCAA rules and accepted the penalties proposed by the Committee on Infractions, the university waived the opportunity to appeal the decisions made in this case. Because the involved coach chose not to participate in the processing of this case, he also has waived his opportunity to appeal.

The Committee on Infractions wishes to advise the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods, and any action contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, as well as imposing more severe sanctions in this case.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA Conventions directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

Richard J. Dunn

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Roy F. Kramer  
Frederick B. Lacey  
Beverly E. Ledbetter  
James L. Richmond  
Yvonne (Bonnie) L. Slatton  
David Swank (chair)